

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1154**

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**Introduced by Assembly Member Bill Berryhill**

February 18, 2011

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~~An act to amend Section 79401 of the Food and Agricultural Code, relating to plants. An act to add Section 79502.5 to the Food and Agricultural Code, relating to the California Nursery Producers Commission.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1154, as amended, Bill Berryhill. ~~Plants; nursery products.~~  
*California Nursery Producers Commission.*

*Existing law establishes the California Nursery Producers Commission to develop and manage a research, public education, and marketing program to benefit the state's nursery industry. Among other things, these provisions, subject to an implementation referendum vote by nursery producers, authorize the commission to impose specified assessments on nursery producers to defray operating costs of the commission. These assessments are determined pursuant to a specified formula based on gross sales of nursery products, as defined.*

*Existing law authorizes the Secretary of Food and Agriculture to issue marketing orders to regulate the marketing of commodities. Existing law requires that any marketing order provide for the establishment of an advisory board to assist the secretary in the administration of the marketing order. Pursuant to that authority, the Department of Food and Agriculture has established the California Citrus Nursery Board and imposes an annual assessment on the invoiced sales price of citrus trees to defray expenditures of the board.*

*Existing law also imposes an annual assessment of 1% on the gross sales of all deciduous pome and stone fruit trees, nut trees, and grapevines produced and sold within the state or produced within and shipped from the state by any licensed nursery dealer.*

*This bill would exempt from the provisions relating to the California Nursery Producers Commission crops that are subject to assessments imposed upon gross sales of fruit trees, nut trees, and grapevines by licensed nursery dealers, as described above, or imposed for the support of the California Citrus Nursery Board.*

~~Existing law provides that the production of nursery products constitutes an important industry of this state that provides substantial and necessary revenues for the state, products that are a foundation for its residents' food supply, and employment for its residents.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 79502.5 is added to the Food and*
- 2     *Agricultural Code, to read:*
- 3     *79502.5. This chapter does not apply to any crop that is subject*
- 4     *to the assessment imposed pursuant to Section 6981 or imposed*
- 5     *for the support of the California Citrus Nursery Board.*
- 6     ~~SECTION 1. Section 79401 of the Food and Agricultural Code~~
- 7     ~~is amended to read:~~
- 8     ~~79401. The production of nursery products constitutes an~~
- 9     ~~important industry of this state which provides substantial and~~
- 10    ~~necessary revenues for the state, products that are a foundation for~~
- 11    ~~its residents' food supply, and employment for its residents.~~